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PRIORITY [redacted]
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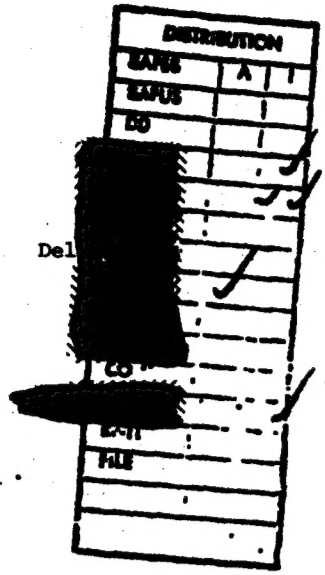
[redacted] FOR GENERAL [redacted] FOR MR. DINC[redacted]
TO CAPTAIN DAN[redacted] FOR GENERAL ALLEN FROM
COLON[redacted]
SUBJECT: EXECUTIVE ORDER 11905--RESTRICTIONS ON SURVEILLANCE

THE PRESIDENT'S NEW E.O. 11905 ON FOREIGN INTELLIGENCE CONTAINS A RESTRICTION ON THE TESTING OF ELECTRONIC EQUIPMENT WITHIN THE U.S. OR AGAINST U.S. PERSONS. THE PRINCIPAL PARAGRAPH OF CONCERN IS SECTION 5, PARA (B) (2), PAGE 27 QUOTED BELOW:

QUOTE:

(B) RESTRICTIONS ON COLLECTION



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FOREIGN INTELLIGENCE AGENCIES SHALL NOT ENGAGE IN ANY OF THE FOLLOWING ACTIVITIES:

(2) ELECTRONIC SURVEILLANCE TO INTERCEPT A COMMUNICATION WHICH IS MADE FROM, OR IS INTENDED BY THE SENDER TO BE RECEIVED IN, THE UNITED STATES, OR DIRECTED AGAINST UNITED STATES PERSONS ABROAD, EXCEPT LAWFUL ELECTRONIC SURVEILLANCE UNDER PROCEDURES APPROVED BY THE ATTORNEY GENERAL; PROVIDED, THAT THE CENTRAL INTELLIGENCE AGENCY SHALL NOT PERFORM ELECTRONIC SURVEILLANCE WITHIN THE UNITED STATES, EXCEPT FOR THE PURPOSE OF TESTING EQUIPMENT UNDER PROCEDURES APPROVED BY THE ATTORNEY GENERAL CONSISTENT WITH LAW." UNQUOTE.

WORKING COPY

WHILE THE DIRO DOES NOT BELIEVE THE RESTRICTION IS INTENDED TO CURTAIL DOMESTIC OPERATIONS, HE FEELS IT IMPORTANT TO OBTAIN A WAIVER SO THAT THE APPLICABILITY OF THE EXECUTIVE ORDER RESTRICTIONS ON OUR REQUIREMENTS IS NOT MISINTERPRETED. ADDITIONALLY, THE DIRO HAS DIRECTED THAT A WAIVER OF DOMESTIC NRP PHOTO REQUIREMENTS VIS-A-VIS THE EXECUTIVE ORDER ALSO BE OBTAINED.

THE NRO STAFF IS IN THE PROCESS OF FORMULATING A

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PACKAGE FOR SUBMISSION TO THE OSD GENERAL COUNSEL, WHO HAS BEEN DESIGNATED THE DOD IMPLEMENTING AUTHORITY FOR THE EXECUTIVE ORDER. THE PACKAGE WILL:

A. DEFINE OUR DOMESTIC PHOTO AND SIGINT REQUIREMENTS VIS-A-VIS THE EXECUTIVE ORDER;

B. REQUEST THAT AUTHORITY BE DELEGATED TO CONDUCT ESSENTIAL DOMESTIC NFP ACTIVITIES ON THE BASIS OF THE UNIQUE NATURE OF OUR REQUIREMENTS;

C. OUTLINE AND REQUEST APPROVAL OF THE NFP PROCEDURES, AS REQUIRED BY THE EXECUTIVE ORDER, FOR CONDUCTING AND HANDLING DOMESTIC SURVEILLANCE REQUIREMENTS.

YOUR SUPPORT AND PARTICIPATION IN FORMULATING THIS PACKAGE IS DESIRED. PLEASE PROVIDE THE NAME AND TELEPHONE NUMBER OF YOUR PROJECT OFFICER FOR THE EFFORT TO LT CO[redacted] OCS-6784 OR OCS-3433 BY 28 APRIL 1976. LT CO[redacted] WILL WORK DIRECTLY WITH YOUR DESIGNEE IN PREPARING THE PACKAGE FOR MR. PLUMMER TO FORWARD TO THE OSD GENERAL COUNSEL. E-2 IMPDET.

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